

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OMEGA PATENTS, LLC,

Plaintiff,

v.

FIRSTECH, LLC,

Defendant.

C20-1344 TSZ

MINUTE ORDER

JURY TRIAL DATE (5 days)

June 6, 2022

Statement of asserted claims and preliminary infringement
contentions due

March 1, 2021

Statement of preliminary non-infringement and invalidity
contentions due

March 22, 2021

Deadline for joining additional parties

March 29, 2021

Parties to exchange preliminary proposed constructions of
disputed claim terms and provide list of proposed extrinsic
evidence

April 12, 2021

Joint Claim Chart and Prehearing Statement due

June 30, 2021

Parties to disclose reports from expert witnesses, if any,
regarding Markman issues

June 30, 2021

Parties to disclose rebuttal expert reports, if any, regarding
Markman issues

July 30, 2021

Deadline for completion of claim construction discovery and
for amending pleadings

August 20, 2021

Opening claim construction briefs (24 pp. per side) filed by August 24, 2021
(and noted for the date that the responsive claim
construction briefs are due)

Responsive claim construction briefs (24 pp. per side) filed by September 10, 2021

If a claim construction (Markman) hearing is necessary,
one will be set upon at least 20 days' notice to the parties.

Reports from expert witnesses under FRCP 26(a)(2) due September 30, 2021

Rebuttal expert reports due November 1, 2021

All discovery motions must be filed by November 4, 2021
(and noted on the motion calendar no later than the third
Friday thereafter)

Discovery completed by January 18, 2022

All dispositive motions must be filed by February 10, 2022
(and noted on the motion calendar no later than the fourth
Friday thereafter; see LCR 7(d))

All motions related to expert witnesses February 17, 2022
(e.g., Daubert motion) must be filed by
and noted on the motion calendar no later
than the third Friday thereafter (see LCR 7(d))

All motions *in limine* must be filed by May 5, 2022
(and noted on the motion calendar for the Friday before the
Pretrial Conference)

Agreed pretrial order due May 20, 2022

Trial briefs, proposed voir dire questions, and proposed May 20, 2022
jury instructions due

Pretrial Conference at 10:00 a.m. on May 27, 2022

These dates are set at the direction of the Court after reviewing the joint status
report and discovery plan submitted by the parties. All other dates are specified in the
Local Civil Rules. These are firm dates that can be changed only by order of the Court,

1 not by agreement of counsel or the parties. The Court will alter these dates only upon
2 good cause shown: failure to complete discovery within the time allowed is not
3 recognized as good cause.

4 If the trial or related dates assigned to this matter create an irreconcilable conflict,
5 counsel must notify Judge Zilly's Chambers at 206-370-8830, within 14 days of the date
6 of this Minute Order and explain the exact nature of the conflict. A failure to do so will
7 be deemed a waiver. Counsel must be prepared to begin trial on the date scheduled, but it
8 should be understood that the trial might have to await the completion of other cases.

9 Claim Construction (Markman) Hearing

10 The claim construction hearing, if any, will be set for a half-day (2.5 hours). If
11 more or less time is required, the parties are instructed to inform Judge Zilly's Chambers
12 at 206-370-8830.

13 PLEASE NOTE: The Court will not rule on dispositive motions that raise issues
14 of claim construction prior to the Markman Hearing or issuance of a claim construction
15 order, unless warranted by special circumstances and leave of the Court is obtained in
16 advance of filing.

17 Exhibits

18 The original and one copy of any exhibits to be used at any Markman Hearing
19 and/or trial are to be delivered to the Court at least five (5) days before the hearing and/or
20 trial date at a time coordinated with Gail Glass, who can be reached at 206-370-8522.

21 Notwithstanding Local Civil Rule 16.1, the exhibit list shall be prepared in table
22 format with the following columns: "Exhibit Number," "Description," "Admissibility
23

1 Stipulated,” “Authenticity Stipulated/Admissibility Disputed,” “Authenticity Disputed,”
2 and “Admitted.” The latter column is for the Clerk’s convenience and shall remain
3 blank, but the parties shall indicate the status of an exhibit’s authenticity and
4 admissibility by placing an “X” in the appropriate column. Duplicate documents shall
5 not be listed twice: once a party has identified an exhibit in the pretrial order, any party
6 may use it.

7 Each set of exhibits shall be submitted in a three-ring binder with appropriately
8 numbered tabs. Each exhibit shall be clearly marked. Plaintiff’s exhibits shall be
9 numbered consecutively beginning with 1; defendant’s exhibits shall be numbered
10 consecutively beginning with the next multiple of 100 after plaintiff’s last exhibit; any
11 other party’s exhibits shall be numbered consecutively beginning with the next multiple
12 of 100 after defendant’s last exhibit. For example, if plaintiff’s last exhibit is numbered
13 159, then defendant’s exhibits shall begin with the number 200; if defendant’s last exhibit
14 number is 321, then any other party’s exhibits shall begin with the number 400.

15 Settlement

16 If the parties reach a settlement in principle, counsel shall immediately notify
17 Judge Zilly’s Chambers at 206-370-8830.

18 Dated this 10th day of February, 2021.

19 William M. McCool
20 Clerk

21 s/Gail Glass
22 Deputy Clerk
23